

MINUTES
WV RACING COMMISSION
Friday, June 24, 2011 10:00 A.M.
WV Lottery

The WV Racing Commission met on June 24, 2011, at 10:00 AM to conduct business and consider administrative matters. Roll call was taken and present were Chairman Joe Smith, Commissioner Jack Rossi, and Commissioner Greg McDermott via conference call. Counsel was represented by Kelli Talbott and Anthony Eates.

Approval of May 16, 2011 Minutes

The Commissioners and both attorneys received the minutes from the May 16, 2011, meeting prior to this meeting. Jack Rossi moved to accept the minutes, Greg McDermott seconded the motion. The Commissioners approved the May 16, 2011 minutes by unanimous consent.

Approval of June 8, 2011 Emergency Meeting Minutes

The Commissioners and both attorneys received the minutes from the June 8, 2011, meeting prior to this meeting. Mr. McDermott moved to accept the minutes, Mr. Rossi seconded the motion. The Commissioners approved the June 8, 2011 minutes by unanimous consent.

Termination of license clerk, Wheeling Island, and hiring of replacement clerk

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission ratified the decision made at the June 8, 2011 emergency meeting.

Update, Schweizer appeal and hearing

Following Executive Session upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission agreed not to appeal the Circuit Court decision.

WVTBA request for clarification regarding WV-bred races

Ms. Talbott stated she is still researching the section of the code related to races restricted to only WV bred thoroughbreds. This code has been amended many times by Legislature and nothing expressly addresses this issue. She promises to be prepared for advice on what she believes the legislature intended by the July meeting.

Coupled entries, conflict between wagering rule and thoroughbred rule

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission suggested Jon Amores draft a policy and approved a group consisting of Lennie Hale, Erich Zimny, Rose Mary Williams, Kelli Talbott, Kate Painter and Mr. Amores to draft a proposed resolution. The conflict over same trainer and different owners needs a specific rule for entries. A policy would interpret and apply the new rules so as to avoid the conflict.

Request from John Mosier to acquire race recordings

Mr. Amores spoke on behalf of Mr. Mosier's request for pictures only of race videos for entertainment purposes at nursing homes and college campuses. Mr. Mosier will add the race commentary, using names customized to each specific event. The Commission was notified of Mr. Mosier's intent to contact the tracks to acquire some old racing videos.

Guard gate issue, Charles Town

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the removal of the guard from the jockey's room and return to the guard gate. Mr. Hale spoke of the inconvenience for the elderly and handicapped; Danny Wright agreed with the need to accommodate the horsemen.

Approval of new wager, Charles Town

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the new wager, at the takeout rate of 12%, not to exceed 25%. Erich Zimny spoke that the payouts will be one, at the WV Breeders' Classic on October 15, 2011 and second, at the Charles Town Classic in April, 2012, thus allowing the jackpot time to build up.

Approval of makeup days, Charles Town

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the makeup days of August 24 and August 31, 2011.

Capital improvement request from Charles Town, \$3900.00 for golf cart, barn security

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the expenditure to transport security personnel.

Approval of Interagency Agreement with WV Lottery for HR services

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the Agreement at the cost of \$31.00 per hour.

Update – Penn National refinancing

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission acknowledged the Security Agreement and Deed of Trust, represented by track counsel to be drafted in accordance with WV law.

Increase of hearing examiner rate to \$115.00 per hour

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the rate increase.

Request for Occupational Permit: Gregory F. Martin

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the issuance of the permit, with conditions for random drug and breathalyzer tests.

Hiring of Cecil Blankenship, Charles Town test barn

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the hiring of Mr. Blankenship, subject to a satisfactory background check.

Approval and hiring of new personnel per legislative rules

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the hiring of the following, also subject to background checks:

Ismael Trejo, Steward, Charles Town
Steve Kourpas, Steward, Mountaineer
Ralph Brehm, Manuel Vidis, Judges, Wheeling Island

Matthew Barns, Elijah Williams, Judges, Mardi Gras
Matthew Rogerson, Investigator, Mountaineer
Daniel Frye, Investigator, Charles Town
Art Wood, Investigator, Wheeling Island
Veterinarian, Mountaineer

Noting the passing of legendary horseman Web Snyder

Mr. Hale said Mr. Snyder had ridden since Charles Town first opened in 1933. Many races were named in his honor during the past several years. After retiring from being a jockey, Mr. Snyder was an outrider, then pony rider until he was 82 years old. Mr. Zimny also noted he had a great deal of respect for Mr. Snyder.

Public comment

Rose Mary Williams announced that August 6, 2011, is the WV Derby at Mountaineer.

Adjournment

The next Commission meeting is set for 10 AM, July 15, 2011, at the WV Lottery.